

(Draft - Awaiting Formal Approval)
MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE
Wednesday, November 18, 2009 – 8:00 a.m. – Room 250 State Capitol

Members Present:

Sen. D. Chris Butters, Senate Chair
Rep. Paul Ray, House Chair
Sen. J. Stuart Adams
Sen. Allen M. Christensen
Sen. David P. Hinkins
Sen. Patricia W. Jones
Sen. Luz Robles
Rep. Trisha S. Beck
Rep. Bradley M. Daw
Rep. Eric K. Hutchings
Rep. Christine A. Johnson
Rep. Kay L. McIff

Rep. Ronda Rudd Menlove
Rep. Phil Riesen
Rep. Stephen E. Sandstrom

Members Absent:

Rep. Evan J. Vickers

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Ms. Cathy Dupont, Associate General Counsel
Mr. Thomas R. Vaughn, Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Ray called the meeting to order at 8:25 a.m. Rep. Vickers was excused from the meeting. Rep. Ray turned the chair over to Rep. Sandstrom.

MOTION: Rep. Ray moved to approve the minutes. The motion passed unanimously. Sen. Adams, Sen. Christensen, Sen. Robles, Rep. Hutchings, and Rep. McIff were absent for the vote.

2. Scheduling of Controlled Substances

Rep. Ray discussed 2010 General Session draft legislation, "Scheduling of Controlled Substances" (2010FL-0255/005). He explained that the bill creates a process for determining whether a drug should be scheduled as a controlled substance.

MOTION: Rep. Daw moved to approve the bill as a committee bill. The motion passed unanimously. Sen. Adams, Sen. Christensen, Sen. Robles, Rep. Hutchings, and Rep. McIff were absent for the vote.

Rep. Ray resumed the chair.

3. Amendments to Social Worker Licensing

Sen. Butters explained that 2010 General draft legislation, "Amendments to Social Worker Licensing" (2010FL-0255/003), addresses a problem which currently exists in statute concerning the Master of Social Work degree.

Mr. Derrik Tollefson, Coordinator, Utah State University Master of Social Work Program, stated the bill provides that an applicant for licensure must satisfactorily complete a program accredited by, or in candidacy for accreditation by, the Council on Social Work Education.

MOTION: Rep. Daw moved to approve the bill as a committee bill. Sen. Adams, Sen. Christensen, Sen. Robles, Rep. Hutchings, and Rep. McIff were absent for the vote.

4. Abortion Amendments

Rep. Carl Wimmer addressed 2010 General Session draft legislation, "Abortion Amendments," (2010FL-0010/006) which was distributed to the Committee. He noted a technical change that should be made to the bill.

Mr. Vaughn stated the technical amendment as follows: On page 7, line 203 after "than" insert ":(A)". After "procedure" insert "carried out by a physician". After "or" delete "through" and insert "(B)".

MOTION: Rep. Sandstrom moved that the bill be amended as outlined by Mr. Vaughn. The motion passed unanimously. Sen. Adams, Sen. Christensen, Sen. Robles, Rep. Hutchings, and Rep. McIff were absent for the vote.

Rep. Wimmer and Rep. Kerry Gibson discussed the bill, which describes the difference between abortion and criminal homicide of an unborn child and removes prohibitions against prosecution of a woman for killing an unborn child or committing criminal homicide of an unborn child.

Mr. Christopher Ballard, Criminal Appeals Division, Office of the Attorney General, said his office has reviewed the legislation and does not oppose it. He said the bill is defensible.

Ms. Lora Bunker, United Families Utah, expressed support for the bill.

Ms. Gayle Ruzicka, Utah Eagle Forum, expressed support for the bill and urged the Committee's support.

Ms. Chris Kimball, United Women's Forum, said she is concerned about the rights of unborn children not being considered. She expressed support for the bill.

MOTION: Rep. Johnson moved to go to the next item on the agenda.

Rep. Johnson stated she was concerned with the unintended consequences of the bill and the potential fiscal impact.

SUBSTITUTE MOTION: Rep. Sandstrom moved to pass the bill out with a favorable recommendation. The motion passed with Sen. Robles and Rep. Johnson voting in opposition. Sen. Jones was absent for the vote.

5. Controlled Substance Abuse — Reporting to Prescribers

Rep. Daw discussed 2010 General Session draft legislation, "Controlled Substance Database — Reporting for Overdose of a Prescribed Controlled Substance" (2010FL-0241/006) and 2010 General Session draft legislation, "Controlled Substance Database — Reporting Convictions for Driving Under the Influence or Impaired Driving" (2010FL-0242/006).

Dr. Don Fairbanks spoke in favor of the legislation addressing overdose of a prescribed controlled substance. He stated that if he were able to obtain this type of information from the hospital, it would allow him to better provide for the welfare of his patient.

Ms. Michele McOmber, Utah Medical Association, expressed support for both pieces of legislation.

MOTION: Rep. Beck moved to pass 2010 General Session draft legislation, "Controlled Substance Database - Reporting for Overdose of a Prescribed Controlled Substance," with a favorable recommendation. The motion passed unanimously. Sen. Jones and Rep. Ray were absent for the vote.

Officer Darrell Bingham, Lindon Police Department, addressed the legislation concerning the reporting of convictions for driving under the influence (DUI) or impaired driving. He pointed out that many people driving under the influence do not realize they are under the influence of prescription substances.

Mr. Mark Steinagel, Division of Occupational and Professional Licensing (DOPL), discussed the importance of consistently improving the controlled substance database. He said DOPL has set goals to improve information in the database and to get practitioners registered and using it.

MOTION: Rep. Beck moved to pass 2010 General Session draft legislation, "Controlled Substance Database - Reporting Convictions for Driving Under the Influence or Impaired Driving," with a favorable recommendation. The motion passed unanimously. Sen. Jones, Sen. Robles, and Sen. Buttars were absent for the vote.

6. Controlled Substance Database Use

Rep. Daw discussed "Controlled Substance Database Amendments" (2010FL-0155/013) which was distributed to the Committee. The bill requires an individual who is licensed to prescribe a controlled substance, who is applying for a license, or who is renewing a license, to register to use the Controlled Substance Database and to take a tutorial and pass a test relating to the database and the prescribing of a controlled substance.

Dr. Steve Nelson, said the online exam would help to address the critical knowledge that prescribers should have to make prudent decisions. He expressed support for the bill.

Mr. Steinagel discussed ways DOPL is trying to make the process easier. He noted that the statute specifically outlines who has access to the information and the lawful use of the database.

Mr. Bingham said the database is an excellent tool for law enforcement because it provides evidence. He said physicians would be able to recognize a possible abuser or user.

Ms. Michele McOmber, Utah Medical Association, pointed out that the database is for prescription schedules II through V. She said it is a good idea to have prescribers register for the database.

Ms. Linda Nelson, Dr. Steve Nelson's wife, indicated that doctors should be able to share information. She said the legislation is a step in the right direction and she asked for the Committee's support.

MOTION: Rep. Beck moved to pass the legislation with a favorable recommendation. The motion passed unanimously. Sen. Adams and Sen. Jones were absent for the vote.

7. Substance Abuse

Rep. Beck discussed 2010 General Session draft legislation, "Drug Law Definitions - Amendments" (2010FL-0031/008). She explained that the bill provides consistency in specified definitions used within certain chapters of Title 58, Occupations and Professions.

Mr. Chad Platte, Salt Lake County District Attorney's Office, indicated that the bill makes it easier to understand the differences between medications prescribed by a doctor that are or are not controlled substances.

MOTION: Rep. Johnson moved to pass 2010 General Session draft legislation, "Drug Law Definitions - Amendments," with a favorable recommendation. The motion passed unanimously. Sen. Adams, Sen. Jones, and Rep. Menlove were absent for the vote. (Note: This motion was made following the discussion of agenda item #8 and appears in that order in the audio recording of the meeting at <http://www.le.utah.gov/asp/interim/Minutes.asp?Meeting=7684#Audio>).

8. Health Clinics of Utah

Dr. David Sundwall, Utah Department of Health, updated the Committee on the H1N1 virus. He said the H1N1 vaccine is a nationwide federally funded vaccine and there have been glitches with obtaining the needed doses.

Dr. Robert Rolfs, Division of Disease Control and Prevention, explained that the nationally targeted groups to receive the H1N1 vaccine have been identified. He pointed out that Utah has had one of the most successful programs of getting the vaccine to the public.

Dr. John C. Nelson, gave a presentation to the Committee. He explained that 27,000 people die each year from diseases that can be prevented or cured because they don't have access to health care. He stated that people who otherwise would not have access to health care are getting it through the clinics.

Dr. Mark Babitz, Director, Division of Family Health and Preparedness, gave a presentation "Health Clinics of Utah" to the Committee. He distributed and reviewed "Utah's Primary Care Safety Net Clinics & Resources" and "Utah's Dental Safety Net Clinics & Resources."

9. Smokeless Tobacco

Ms. Amy Sands, Utah Department of Health, gave a presentation, "Sweet Deception: Candy Like Killers," and distributed several handouts regarding tobacco prevention. She discussed the successful results the department's tobacco program has achieved.

Ms. Hannah Mount, Phoenix Alliance, indicated that tobacco in any form is unsafe. She discussed the new products the tobacco industry is marketing in packages designed to attract teens.

Ms. Kiley Atkins, Phoenix Alliance, explained that Camel dissolvables offer up to three times more nicotine than a cigarette. She noted that last year 7,418 people called poison control in Utah concerning these products. She said the tobacco industry is lying to the public and is trying to market to kids.

Mr. Peter Moseman, Phoenix Alliance, said that past and recent court cases have shown that the tobacco industry has deceived the public and marketed to youth. He said smokeless tobacco products are taxed lower in Utah than most other states.

Ms. Anna Guymon, Weber/Morgan Health Department, pointed out that services provided at the local and state level are essential in helping people be free from this addiction. She distributed signs made by the KAT (Kid Against Tobacco) kids at Riverdale Elementary to alert people to outdoor smoke-free areas.

Mr. Eric Edwards, Utah County Health Department, expressed the need for consistent and sustained tobacco control efforts. He discussed some of the public health prevention efforts taking place in Utah County.

Ms. Betty Sawyer, representing an organization that is a subcontractor with the state Tobacco Prevention and Control Program, stated that the challenge to address tobacco use is more difficult in ethnic communities. She encouraged continued support of tobacco prevention and control programs.

10. Other Items / Adjourn

MOTION: Sen. Buttars moved to adjourn. The motion passed unanimously.

Chair Ray adjourned the meeting at 12:05 p.m.